

Exhibit 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVE SANDS,

PLAINTIFF,

-against-

Case No.:
18-cv-07345
(JSR)

CBS INTERACTIVE INC.,

DEFENDANT.

-----X

DATE: January 10, 2019

TIME: 9:53 A.M.

VIDEOTAPED DEPOSITION of the
Plaintiff, STEVE SANDS, taken by the
Defendant, pursuant to a Notice and to the
Federal Rules of Civil Procedure, held at
the offices of Cowan, DeBaets, Abrahams &
Sheppard, LLP, 41 Madison Avenue, New York,
New York 10010, before Suzanne Pastor, a
Notary Public of the State of New York.

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2 A P P E A R A N C E S:

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13

14

15 ALSO PRESENT:

16

ROBERT HORGAN, Videographer

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1 S. SANDS

2 did paid you?

3 A. I've certainly had situations
4 where they paid me, yes. Some people have
5 done the honorable thing.

6 Q. Did you contact my client when
7 you first learned about the photos at issue
8 in this case?

9 A. Probably not.

10 Q. Why not?

11 A. Because there's so many thieves
12 out there, I have to work out a different
13 model when they get caught.

14 Q. What model is that?

15 A. Liebowitz, Inc.

16 MS. LACKMAN: Mr. Freeman, do
17 we need to take a -- do we need to
18 reschedule this deposition or
19 something until you get your act
20 together? I'm trying to keep this on
21 track and focus, and I'm really
22 interested in what your client has to
23 say.

24 A. Don't worry about him. I'm
25 focussed and I'm coherent and it is funny.

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2 my Punisher photos, my Jessica Jones
3 photos, Naomi Kwiatkowski photos, my Donald
4 Trump photos. I have no idea because
5 that's a lot of photos that I do on a
6 regular basis.

7 Q. Right, but you know -- you said
8 that you saw a lot of thieves for The
9 Punisher photos. Do you remember when you
10 became aware --

11 A. From two years ago I'm not
12 going to remember who they were.

13 Q. No, but do you remember around
14 when you saw this, the thieves?

15 A. I just said about two years
16 ago. It's usually after the photos were
17 taken. Remember, I'm not the only one that
18 looks for these things, but I'm a hands-on
19 person and I like to see -- I like to help
20 my own cause.

21 Q. When you say your own cause,
22 what do you mean by that?

23 A. This is my cause.

24 Q. What is your cause?

25 A. Getting compensation for the

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2 really care about dealing with them. I'd
3 rather not even waste my time bothering
4 with them.

5 Q. So the price is basically --
6 the price you're seeking is basically --

7 A. I don't change my prices unless
8 somebody calls me. And then we'll talk.
9 What do you have to offer me.

10 Q. So the price you're seeking is
11 basically print and you throw in the online
12 use as part of that package?

13 A. I'm open to anybody who wants
14 to call me and use my pictures or my
15 agents. But they have to call. They have
16 to inquire.

17 Q. So you've never directly
18 licensed a photo for online use only?

19 A. I'm sure I have in the past.
20 But do I remember it, it's so minor to me.
21 And I have not -- let's be specific. To
22 The Punisher, no, I do not recall selling
23 any images on my own to the Punisher, of
24 The Punisher.

25 Q. Funny enough, we've covered

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2 production company, meaning CBS, or in this
3 case Netflix, why did Steve Sands get the
4 set for these photos, we can't legally stop
5 him. Does that answer that question?

6 Q. Not exactly, but --

7 A. In other words, they don't take
8 responsibility for me being there because
9 they can't and they don't.

10 Q. But the answer to whether you
11 affirmatively get permission --

12 A. I just said no. They cannot
13 give me permission.

14 Q. Whether they can or can't, do
15 you ever -- sometimes people ask for
16 things, not because they have to but
17 because it's polite.

18 A. I'm not those people. I don't
19 ask. I just show up.

20 Q. Have you ever --

21 A. It's a waste of time.

22 Q. Have you ever said I would like
23 to be the exclusive photographer on this
24 set, can you please ensure that nobody else
25 gets on the set?

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2 A. You know, I would -- no,
3 absolutely not. First of all, I don't have
4 the authority to do so. I'm just a
5 photographer.

6 Even if somebody was willing to
7 do that, I wouldn't even ask because I'm a
8 First Amendment purist, and if something is
9 shooting in a public area and this is my
10 personal photo shoot, I'd make sure it was
11 contained in a place where they didn't --
12 weren't able to get the photo in the first
13 place. I don't believe in bullying people
14 to stop them; I don't have the right to do
15 that.

16 Q. Okay, do you believe that what
17 a director does in placing actors in
18 locations and telling them where to walk
19 and that sort of thing, do you believe that
20 that is creative?

21 A. Depends. It's collaborative.
22 Because usually the director says one thing
23 and the actors do what they want to do
24 anyway.

25 Q. But do you believe there's some

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2 creativity in that process?

3 A. There's some.

4 Q. Do you believe you have the
5 right to capture that creativity and
6 monetize it?

7 A. If it's on a public street I
8 absolutely do have that right. There's not
9 one shred of case law that says otherwise.
10 And believe me, I've read all the cases.

11 Q. Has anyone ever said to you,
12 you know, we would prefer to issue stills
13 from the day and not have -- we invested in
14 this --

15 A. They used to, but remember, I'm
16 known as not taking any bullshit. And
17 that's bullshit. Because that doesn't
18 apply to me because -- and they don't
19 anyway. They don't. CBS certainly
20 doesn't. But it doesn't apply to me.

21 Q. Do you believe -- do you
22 understand that people who make television
23 shows and movies invest money in filming
24 and creating something for the public to
25 enjoy?

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2 A. If they don't want me taking
3 pictures, they should invest more money and
4 shoot in Steiner Studios because I have a
5 right to take any photo that I want. And
6 you know what? We're talking about Marvel
7 now, we're not talking about CBS. CBS's
8 rules might be a little different depending
9 upon who runs PR. And sometimes it's like
10 we don't want photos to get out, and CBS
11 definitely doesn't, they want to control
12 everything. They want to control their Red
13 Carpet. You should see the names of the
14 people they put on the Red Carpet.

15 Q. Have you ever accessed a closed
16 set before?

17 A. Every set is a closed set. But
18 is it a legally closed set?

19 Q. Well, have you ever accessed a
20 set that was not in a public space?

21 A. I used to be hired. I used to
22 be in the union and I used to access those
23 things plenty of times. But we're talking
24 about Marvel now. No, Marvel isn't a
25 public space and this particular image was

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2 in a public park. Parks are public. I'm
3 kind of an expert in alienation.

4 Q. Why is that?

5 A. Because you have to be.

6 Because people are always -- film people
7 are always telling you they own everything.
8 That's an industry term. Oh, we own this.
9 Yeah, you walk on Times Square and there
10 will be a film shooting and they'll go oh,
11 you can't walk here, we own this. It's
12 really an industry term. It really means
13 can we use this. Do we have a permit for
14 this.

15 But a permit only allows them
16 to shoot. It does not allow them to
17 alienate. I'm sure you know this as a
18 lawyer.

19 Q. What do you -- I need to stay
20 on track. You said you used to be hired to
21 take these shots.

22 A. I used to be in the union, yes.

23 Q. Why are you no longer in the
24 union?

25 A. Because I don't like dealing